

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

THOMAS HERZOG,) Civil Action No.: 4:17-cv-398-RBH-TER
)
Plaintiff,)
)
v.)
)
HORRY COUNTY COUNCIL, <i>et al.</i> ,)
)
Defendants.)
_____)

ORDER

The Court having been fully apprised that the Attorney General's designee has certified that the individual Federal Defendants, Eduardo Angeles, Larry Ayers, James Cline, James Dangerfield, Randall Fiertz, Robert Giguere, Brandon Goldberg, Robert Hawks, Howard Hollis, Daniel Jones, Daryl McMillan, Tom Moyer, Michael O'Donnell, Gary Pendleton, Herman Smith, Kevin Willis, Thomas Winston, and Miguel Vasconcelos, were acting within the scope of their employment at the time of the incident giving rise to this suit, and the Court having been apprised of the substitution of the United States pursuant to the Federal Employees Liability Reform and Tort Compensation Act of 1988 § 6, Pub. L. No. 100-694, 102 Stat. 4563 (1988), 28 U.S.C. § 2679(d)(1), it is hereby:

ORDERED that pursuant to the provisions of 28 U.S.C. § 2679(b)(2) and § 2679(d)(1), the claims set forth in Counts I (§§ 1535–42), II (§§ 1543–49), III (§§ 1550–59), IV (§§ 1560–66), V (§§ 1567–73), VI (§§ 1574–79), VII (§§ 1580–87), VIII (§§ 1588–95), and X (§§ 1607–13) of the Complaints are dismissed with respect to the individual Federal Defendants, on the ground that the exclusive remedy for these claims is an action against the United States and because the United States has been substituted as the sole defendant on those claims.

August 3, 2017
Florence, South Carolina

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge